

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNIVERSITAS EDUCATION, LLC

-v-

NOVA GROUP, INC, as Trustee, Sponsor
and Named Fiduciary of the CHARTER OAK
TRUST WELFARE BENEFIT PLAN

Case No. 11-cv-01590-LTS-HBP

**NOTICE OF MOTION AND MOTION OF WAYNE H. BURSEY
FOR RECONSIDERATION OF THE COURT'S MEMORANDUM
ORDER ADOPTING CERTIFICATION OF FACTS,
CONCLUSIONS OF LAW AND PROPOSED REMEDY [DOCKET # 376]**

PLEASE TAKE NOTICE that Wayne H. Bursey, a non-party to this action, upon the accompanying Memorandum of Law, hereby moves this Court before the Hon. Laura Taylor Swain, at the United States Courthouse located at 500 Pearl Street, New York, NY 10007, for an order, pursuant to Local Civil Rule 6.3, granting reconsideration of the Court's Memorandum Order Adopting Certification of Facts, Conclusions of Law and Proposed Remedy ("Memorandum Order"), issued on February 11, 2014 (Dkt. No. 376), in which the Court adopted the Certification of Facts, Conclusions of Law and Proposed Remedy ("Certification") issued by the Honorable Henry B. Pitman, United States Magistrate Judge, filed on July 12, 2013 (Dkt. No. 278), in response to the Motion for Contempt ("Motion") filed by Universitas Education, LLC ("Universitas") against Nova Group, Inc. ("Nova Group"), and several non-party individuals, including Mr. Bursey, as follows:

- (a) that the Court reconsider its Memorandum Order in order to consider the timely objection of Mr. Bursey filed in connection with the Magistrate Judge's Certification; and
- (b) that the Court, having done so, uphold upon reconsideration Mr. Bursey's objections to the Magistrate Judge's Certification.

The undersigned, on behalf of Mr. Bursey, certifies pursuant to Judge Swain's Individual Rules of Practice, that he has used his best efforts to informally resolve the matter raised in this motion.

Respectfully Submitted,

WAYNE H. BURSEY

By: /s/ Stephen V. Manning
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CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2014, a copy of the foregoing was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

/s/ Stephen V. Manning
Stephen V. Manning